

# LINDA MORENO

Admitted *Pro Hac Vice*

California State Bar No. 92854

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Attorney for MOHAMED MOHAMED MOHAMUD

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

BASAALY SAEED MOALIN,

MOHAMED MOHAMED MOHAMUD.

ISA DOREH,

AHMED NASIR TAALIL MOHAMUD.

Defendants.

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) No. 10CR4246-JM

) Judge Jeffrey T. Miller

) DATE: January 28, 2013

) TIME: 9:00 a.m.

)

**) DEFENDANTS' JOINT PROPOSED**  
**) VOIR DIRE QUESTIONS**

)

The defendants, by and through their counsel, and pursuant to FED. RULE CRIM. PROC.24, request that the Court allow counsel to ask panel members the following questions or a variation thereof, in addition to the Court's voir dire. Given the dynamic and unpredictable exchange during voir dire, the defendants reserve the right to expand voir dire in relation to the answers given by potential jurors.

Dated: January 17, 2013

Respectfully submitted,

/s/ Linda Moreno

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LINDA MORENO

Attorney for Mohamed Mohamed Mohamud

**PROPOSED VOIR DIRE QUESTIONS**

Knowledge of Witnesses

The following witnesses may testify during this trial: (List. This can be handled according to the court's own protocol.)

A. Are any of you acquainted with any of the persons named?

B. What is the nature of your acquaintance?

Beliefs regarding al Shabaab

The charges in this case involve material support of al Shabaab, designated by the United States as a foreign terrorist organization. Do any of you have beliefs or impressions regarding al Shabaab that would affect how you view the evidence in this case and how you would view the defendants, despite what information you may hear in court?

Beliefs regarding al Qaeda

The individuals in this case are not charged with having supported the terrorist organization known as al Qaeda. However, the government may choose to introduce certain testimony, which discusses al Qaeda in this case. Do any of you have beliefs or impressions regarding al Qaeda that would affect how you view the evidence in this case and how you would view the defendants, despite what information you may hear in court?

Beliefs regarding Sharia

The government may choose to introduce certain testimony, which discusses Sharia and Islam. The individuals charged in this case are all Muslim. Do any of you have beliefs or impressions regarding Sharia that would affect how you view the evidence in this case and how you would view the defendants?

Opinions on Hijab/Muslim Dress/Appearance

In this courtroom, you will see female family members of the accused and of the supportive community, dressed modestly wearing hijab, or headscarves, and in long dresses. Is there something about the manner of this dress that affects your view on this case?

You will also see male relatives or supportive men from the community with beards. Some of the individuals charged in this case have long beards. Is there something about their appearance that would prejudice your view of the accused in this case?

First Amendment Protections

The First Amendment of the United States Constitution guarantees freedom of speech, freedom of association and freedom of religion.

A. Is there anyone who believes that the right to free speech should be limited, when it comes to criticism of the government or its policies?

B. Is there anyone who could not accord these constitutional protections to defendants because they are accused of supporting terrorism?

1 C. Is there anyone who believes that only American citizens are entitled to the protections of the  
2 Constitution and therefore could not afford these constitutional protections to some of the defendants  
3 because they are not citizens?

4 Language Issues

5 During this trial there will be a foreign language used with translations through an interpreter.  
6 Most of the conversations in this case will be in a foreign language. Who believes that the tone of a  
7 conversation lends meaning to the substance within it? Why?

8 Foreign Testimony

9 There may be foreign witnesses who testify in another language, aided by translators. Is there  
10 anything about that kind of witness or testimony that would cause you to view their evidence differently  
11 than if they testified in English?

12 Fear of Harassment

13 Do any of you have fears of harassment, recrimination or retaliation against yourself or your  
14 family if you are selected as a juror in a case involving allegations of terrorism?

15 Opinion on Islamic Religious Leaders/Imam

16 One of the individuals on trial is a religious leader in his mosque, commonly known as an Imam.  
17 What is your opinion of such religious people? If negative, how will your negative opinion affect your  
18 ability to be fair and impartial to one of the defendants, an Imam, in this case? (This line of questioning is  
19 particularly relevant to juror attitudes about Defendant Mohamed Mohamud, an Imam, whose religious  
20 leadership will be an issue in this trial)

21 In a case where there will be evidence of allegations of materially supporting terrorism and  
22 terrorists, would that make it difficult for you to be fair and impartial? If so, please explain why.

23 Knowledge of Other Panel Members

24 Do any members of the panel know any other members of the panel? If so, if you were selected to  
25 serve with that person or persons, how would that relationship affect your ability to disagree with them if  
26 compelled by the evidence presented?

27 Religious Discrimination

28 Have you or an immediate family member ever felt you were discriminated against because of  
your religious beliefs?

Expert Witnesses

Expert witnesses will likely testify at this trial. Some people feel such witnesses are helpful to the  
jury; others feel they are "hired guns." How do you feel about expert witnesses?

1  
2 Somalia

3       You may hear a great deal about the country of Somalia in this case. Have you formed any  
4 impressions or opinions about Somalia, its government, or its people? If so, what are they?

5       The Defendants respectfully request leave to inquire of prospective jurors on the foregoing topics  
6 and any other areas that are discussed during the *voir dire* process.

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8 Dated: January 17, 2013

Respectfully submitted,

9 /s/ Linda Moreno

10 **LINDA MORENO**

11 Attorney for Mohamed Mohamed Mohamud  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BASAALY SAEED MOALIN,  
MOHAMED MOHAMED MOHAMUD,  
ISA DOREH,  
AHMED NASIR TAALIL MOHAMUD,

Defendants.

No. 10CR4246-JM  
Judge Jeffrey T. Miller  
CERTIFICATE OF SERVICE

I, Linda Moreno, declare as follows:

I am a citizen of the United States and am over eighteen years of  
age. My business address is P.O. Box 10985, Tampa, Florida 33679, telephone number  
((813) 247-4500. I am not a party to the above-entitled action.

On January 17, 2013, I served the referenced Motion electronically filing the foregoing  
with the Clerk of the District Court using its ECF System, which electronically notifies the following  
persons:

1. Assist. U.S. Attorney William P. Cole
2. Assist. U.S. Attorney Caroline Pineda Han
3. Joshua Dratel (Defendant 1)
4. Alice L. Fontier (Defendant 1)
5. Ahmed Ghappour (Defendant 3)
6. Thomas Durkin (Defendant 4)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 17, 2013.

New York

/s/ Linda Moreno  
**LINDA MORENO**

Attorney for Mohamed Mohamed Mohamud